

### **REMARKS**

Claims 1-24, 26, 33, 35, and 37 are currently pending in the subject application and are presently under consideration. Claims 1-24, 26, 33, 35, and 37 have been amended as shown on pp. 2-7 of the Reply. No new matter has been added.

Applicant's Representative, Philip Ammar, thanks Examiner Khan for the courtesies extended during the telephone interview on Tuesday, November 9, 2010. Though no particular agreement was reached, Applicant's Representative thanks Examiner Khan for the suggestions on proceeding with regards to the rejection under 35 U.S.C. § 112 as well as for clarifying his interpretation of the cited art.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1, 26, 35, and 37 Under 35 U.S.C. §112**

Claims 1, 26, 35, and 37 stand rejected under 35 U.S.C. §112, first paragraph. This rejection should be withdrawn for at least the following reasons. Claims 1, 26, 35, and 37, as amended, recite subject matter that is fully described in the specification. Accordingly, this rejection is moot and withdrawal of the rejection is respectfully requested.

#### **II. Rejection of Claim 1-3, 5, 6, 8, 9-12, 14, 15, 18, 24, 35 and 37 Under 35 U.S.C. §103(a)**

Claims 1-3, 5, 6, 8, 9-12, 14, 15, 18, 24, 35, and 37 stand rejected under 35 U.S.C. §103(a) over O'Neil (US 6,973,333) in view of Watanabe *et al.* (US 2005/0285944).

Withdrawal of this rejection is requested for at least the following reasons. O'Neil and Watanabe, alone or in combination, fail to teach or suggest each and every element of the subject claims as set forth below.

Independent claim 1, as amended, recites in part: *wherein a size of the specific geographic region changes in response to a change in a location of the second portable digital device*. Independent claims 35 and 37, as amended, recite similar language. In this regard, O'Neil and Watanabe, considered together or separately, fail to disclose or suggest at least the above elements of claims 1, 35 and 37.

O'Neil relates to a system that restricts the use of a cellular telephone in a vehicle using a GPS system. Specifically, O'Neil discloses a GPS device to determine the location of a cellular telephone and then cellular communication links provide location information to a network location that compares the location information with databases describing geographic limitations on the use of cell phones. (See col. 3, lns 10-17). The geographic limitation information stored on the databases include "rules relating to restrictions on cell phone use" (see col. 8, lns. 10-13) and the geographic regions are described in terms of latitude and longitude (see col. 8, lns. 14-16). For cell phones on vehicles, GPS receivers are used to determine vehicle position information and "outputs from the GPS receivers are used to determine vehicle position for comparison with region information downloaded by cell phones located in the vehicle." (See col. 14, lns. 7-15). O'Neil, however is silent with respect to disclosing or suggesting ***wherein a size of the specific geographic region changes in response to a change in a location of the second portable digital device***, as recited in claim 1, 35, and 37.

Watanabe relates to a recording apparatus which receives from a communications apparatus an image-capturing condition restricting an image capturing process. (See para. [0020]). Watanabe also fails, however, to disclose or suggest ***wherein a size of the specific geographic region changes in response to a change in a location of the second portable digital device*** as recited in claims 1, 35, and 37. For at least these reasons, O'Neil and Watanabe, alone or in combination, fail to teach or suggest the above recited elements of independent claims 1, 35, and 37.

Dependent claim 8 recites: ***storing data relating to the first portable digital device being present in the specific geographic region***. O'Neil and Watanabe, taken together or separately, fail to disclose or suggest the above elements of claim 8. The Examiner relies on O'Neil to for this rejection, but O'Neil merely recites "As noted above, it proves advantageous to store *region information* in tables or other data structures in a cell phone for use in embodiments... [and] ... it proves convenient upon powering on a cell phone or upon passing from one cell (or other wireless area) to receive new or updated *region boundary information* for those regions..." (See col. 8, lns. 55-61). It is clear, however, that this is distinct from ***storing data relating to the first portable digital device being present in the specific geographic region***.

Dependent claim 12 recites ***changing a frequency of the at least one radio frequency at an interval***. In this regard, both O'Neil and Watanabe are silent regarding changing the frequency of the radio frequency at an interval. The Examiner cites Fig. 21 of O'Neil in the rejection to this claim, but Fig. 21 merely discloses a "periodic warning to active call" and makes no mention of ***changing a frequency of the at least one radio frequency at an interval***.

In view of at least the foregoing, it is respectfully submitted that O'Neil and Watanabe, alone or in combination, do not disclose or suggest each and every element as recited in claims 1,

8, 12, 35, and 37 (and the claims that depend therefrom). Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

### **III. Rejection of Claim 4 Under 35 U.S.C. §103(a)**

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over O'Neil in view of Heiskari *et al.* (US 5,901,342). This rejection should be withdrawn for at least the following reasons. Claim 4 is ultimately dependent on claim 1 which is believed to be in a position for allowance. As O'Neil and Heiskari fail to disclose all the elements repeated in claim 1, claim 4 cannot be said to be obvious over the art of record.

Heiskari relates to a method of establishing a call in a mobile communications system that includes a repeater station which transmits traffic between a base station and the mobile stations (*see* Abstract). In particular, Heiskari discloses using a mobile phone as a repeater station whose operation "is dependent on the calling number and/or the service concerned." (*See* col. 4, lns. 60-64). However Heiskari is silent at least with regard to *wherein a size of the specific geographic region changes in response to a change in a location of the second portable digital device* as recited in independent claim 1.

Accordingly, Heiskari fails to make up for the deficiencies of O'Neil and Watanabe with regard to claim 1. Since claim 4 is dependent on a claim believed to be allowable, it is respectfully requested that the rejection to claim 4 be reconsidered and withdrawn.

### **IV. Rejection of Claim 7 Under 35 U.S.C. §103(a)**

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over O'Neil in view of Fomukong (US 2008/0051105). This rejection should be withdrawn for at least the following reasons. Claim 7 is ultimately dependent on claim 1 which is believed to be in a position for allowance. As O'Neil and Fomukong fail to disclose all the elements repeated in claim 1, claim 7 cannot be said to be obvious over the art of record.

Fomukong relates to a location reporting paging communications system that resolves a global position from signals transmitted from a communication system. (*See* Abstract). Fomukong discloses determining the location of a remote receiving unit based on signals sent from at least two transmitters, either located in orbit or terrestrially, by comparing the time signature of a transmission with the current time to determine distance from each transmitter (*see*

para. [0027]). However, Fomukong is also silent regarding *wherein a size of the specific geographic region changes in response to a change in a location of the second portable digital device*, as recited in independent claim 1.

Accordingly, Fomukong fails to make up for the deficiencies of O'Neil and Watanabe with regards to claim 1. Since claim 7 is dependent on a claim believed to be allowable, it is respectfully requested that the rejection to claim 7 be reconsidered and withdrawn.

**V. Rejection of Claim 13 Under 35 U.S.C. §103(a)**

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over O'Neil in view of Watanabe and further in view of Cho (EP 1139684). This rejection should be withdrawn for at least the following reasons. Claim 13 is ultimately dependent on claim 1 which is believed to be in a position for allowance. As O'Neil, Watanabe and Fomukong fail to disclose all the elements repeated in claim 1, claim 13 cannot be said to be obvious over the art of record.

Cho relates to an apparatus that automatically switches the operation mode of a portable communication unit to a desired mode when the portable mobile communication device enters an area requiring limited use of the portable mobile communication device (*see* Abstract). Cho discloses that different modes may be selected based on the type of area requiring limited use of the portable mobile communications device (*see* para. [0028]) but fails to make any mention of *wherein a size of the specific geographic region changes in response to a change in a location of the second portable digital device* as recited in independent claim 1.

Accordingly, Cho fails to make up for the deficiencies of O'Neil and Watanabe with regards to claim 1. Since claim 13 is dependent on a claim believed to be allowable, it is respectfully requested that the rejection to claim 13 be reconsidered and withdrawn.

**VI. Rejection of Claim 16 Under 35 U.S.C. §103(a)**

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over O'Neil in view of Watanabe and further in view of Aerrabotu (US 6,829,429). This rejection should be withdrawn for at least the following reasons. Claim 16 is dependent on claim 1. As Aerrabotu fails to cure the deficiencies of root references O'Neil and Watanabe, claim 16, by virtue of its dependency, also patentably defines over the cited art. Accordingly, reconsideration and withdrawal of the rejection to claim 16 is respectfully requested.

**VII. Rejection of Claims 17, 19, 21, and 22 Under 35 U.S.C. §103(a)**

Claims 17, 19, 21, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over O'Neil in view of Watanabe and further in view of Cocita (US 2006/0281450). This rejection should be withdrawn for at least the following reason: claims 17, 19, 21, and 22 are dependent on claim 1, and Cocita fails to cure the deficiencies of root references O'Neil and Watanabe with respect to claim 1, as described above. As O'Neil, Watanabe and Cocita, considered together or separately, fail to teach or suggest all the elements recited in claim 1, claims 17, 19, 21, and 22 also patentably define over the cited art. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

**VIII. Rejection of Claims 20 and 23 Under 35 U.S.C. §103(a)**

Claims 20 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over O'Neil in view of Watanabe in view of Cocita and further in view of Hirai (US 2001/0018742). This rejection should be withdrawn for at least the following reason: claims 20 and 23 are dependent on claim 1, and Hirai fails to cure the deficiencies of O'Neil, Watanabe and Cocita with respect to claim 1. As O'Neil and Watanabe, taken together or separately, fail to teach or suggest all the elements recited in claim 1, claims 20 and 23, by virtue of their dependency, also patentably define over the cited art. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

**IX. Rejection of Claim 26 Under 35 U.S.C. §103(a)**

Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over O'Neil in view of Hirai. This rejection should be withdrawn for at least the following reasons. O'Neil and Hirai, alone or in combination, fail to teach or suggest every element of independent claim 26.

Claim 26 recites in part: *wherein a size of the specific geographic region changes in response to a change in location of the first portable digital device*. As described above with regard to claim 1, O'Neil discloses a GPS device to determine the location of a cellular telephone and then cellular communication links provide location information to a network location that compares the location information with databases describing geographic limitations on the use of cell phones. (See col. 3, lns. 10-17). The geographic limitation information stored on the databases include "rules relating to restrictions on cell phone use" (see col. 8, lns. 10-13) and the geographic regions are described in terms of

latitude and longitude (*see* col. 8, Ins. 14-16). For cell phones on vehicles, GPS receivers are used to determine vehicle position information and “outputs from the GPS receivers are used to determine vehicle position for comparison with region information downloaded by cell phones located in the vehicle.” (*See* col. 14, Ins. 7-15). Nowhere, however, does O’Neil disclose or suggest ***wherein a size of the specific geographic region changes in response to a change in location of the first portable digital device***, as recited in claim 26.

Hirai relates to a system to manage and monitor the distribution status of content and accurately impose a royalty based on the use of the content. (*See* Abstract). However, Hirai also fails to disclose or suggest ***wherein a size of the specific geographic region changes in response to a change in location of the first portable digital device***, as recited in independent claim 26. For at least the above mentioned reasons, O’Neil and Hirai, alone or in combination fail to recite all the elements of claim 26 and therefore reconsideration and withdrawal of the rejection is respectfully requested.

#### **X. Rejection of Claims 33 Under 35 U.S.C. §103(a)**

Claim 33 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Cho in view of Hirai. This rejection should be withdrawn for at least the following reasons. Cho and Hirai, alone or in combination, fail to teach or suggest every element of independent claim 33.

Claim 33 recites: ***operating an image data recording function on a portable digital device in response to an interrogation or enabling signal from a central station and returning a recorded image to the central station in response to the interrogation or enabling signal***. Cho and Hirai, taken together or separately, fail to disclose or suggest at least the above recited elements of claim 33.

As described above, Cho relates to an apparatus that automatically switches the operation mode of a portable communication unit to a desired mode when the portable mobile communication device enters an area requiring limited use of the portable mobile communication device (*see* Abstract). A mode signal generator “generates a mode signal corresponding to a mode selected from a normal vibration mode, a transmission-restricted vibration mode, an incoming call cut-off mode, an image and data transmission-prohibited mode...” (*See* para. [0006]). However, the disclosure of Cho is distinct from at least ***operating an image data recording function on a portable digital device***, as recited in claim 33. Hirai relates to a system to manage and monitor the distribution status of content and accurately impose a royalty based on the use of the content (*see* Abstract), and therefore fails to cure the deficiencies of Cho with regard to claim 33. For at least these reasons, reconsideration and withdrawal of the rejection to claim 33 is respectfully requested.

**CONCLUSION**

The present amendments and comments overcome the outstanding rejections in the Official Action. A prompt action reconsideration and withdrawal of all outstanding rejections is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [VSAFP103WOUS].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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